

REMARKS

Responsive to the Office Action dated February 28, 2003, and pursuant to the filing of a Request for Continued Examination accompanying this amendment, Applicant respectfully submits that new Claims 11 and 12 herewith are believed to be patentably distinct.

New Claims 11 and 12 are based somewhat on canceled Claims 9 and 10. In the Office Action dated February 28, 2003, the Examiner rejected Claims 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over the teaching of U.S. Patent 6,042,259 to Hines et al. in view of U.S. Design Patent 257,735 to Breneman and further in view of U.S. Patent 5,507,109 to Rinzler and U.S. Patent 2,078,183 to Ray. Claims 11 and 12 recite signage on a rotating concrete mixer drum for an over the road concrete mixer motor truck comprising alternate signs disposed on the circumference of the drum and extending axially on the drum and in a helical pattern, the alternate signs being inverted with respect to each other so as to be readable in their entirety, respectively, from opposite sides of the drum during rotation thereof. In at least these respects Claims 11 and 12 are believed to be patentably distinct. As pointed out previously with respect to the teaching of the Hines et al. reference, this patent merely discloses that a concrete mixer truck should have indicia (15) on a concrete mixer drum in order to identify the truck so that the truck may be tracked by an automated material dispensing and monitoring system. Hines et al. clearly fails to suggest or appreciate the provision of signage on an over the road concrete mixer truck with a mixer drum which includes alternate signs disposed on the drum axially and in a helical pattern so that the signs may, respectively, be read in their entirety from opposite sides of the drum as the drum rotates.

With respect to the toy cement mixer truck body disclosed in the Breneman design patent, this reference appears to show somewhat elongated dashed lines or stripes of a contrasting color formed on a cement mixer drum and indicated to be in a slight helical pattern. Breneman et al. makes no other

reference nor provides any teaching to suggest providing signs which are arranged alternately and inverted with respect to each other as well as extending axially and in a helical pattern on a rotating concrete mixer drum so that the signs may, respectively, be read in their entirety as the drum rotates.

Still further, with respect to the Rinzler and Ray patents, these patents disclose a motor truck and semi-trailer with stationary billboard signage on opposite sides of the trailer, and signage which may be placed on opposite sides of a conventional automotive vehicle, temporarily, for use by salesmen and servicemen, respectively. There is clearly no suggestion in either Rinzler or Ray to provide signage on a concrete mixer drum extending axially and helically and with alternate signs being inverted with respect to each other so that as the drum rotates a sign may be viewed in its entirety from either side of the drum. There is clearly no suggestion in Rinzler or Ray to modify the signage disclosed in these references to be disposed on a concrete mixer drum in the manner recited in Claims 11 or 12.

Applicant respectfully submits that the prior art of record in this application fails to clearly and unequivocally suggest to one of ordinary skill in the art to provide alternate signs inverted with respect to each other on a rotating concrete mixer drum wherein the signs are arranged axially and helically with respect to the rotational axis of the drum so that the signs may be read in their entirety during rotation of the drum from opposite sides thereof. In at least these respects Claims 11 and 12 are believed to distinguish over the prior art and consideration for allowance of these claims is respectfully requested.

Applicant has made a further diligent effort to advance the prosecution of this application by presenting new Claims 11 and 12 which include further recitation which clearly distinguishes these claims in a patentable sense over the prior art and by filing the Request for Continued Examination accompanying this amendment to gain consideration for allowance

of these claims. An early Notice of Allowance of Claims 11 and 12 is therefore respectfully requested.

Respectfully submitted,

Date: 5/28/03

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